

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Lionel Ray McCall**

**Docket No. 5:10-CR-219-3BO**

**Petition for Action on Supervised Release**

COMES NOW Dewayne L. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Lionel Ray McCall, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With Intent to Distribute 50 Grams or More of Cocaine Base (Crack) and a Quantity of Cocaine, in violation of 21 U.S.C. § 846, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge on April 19, 2011, to the custody of the Bureau of Prisons for a term of 262 months. The defendant appealed this sentence. The United States Court of Appeals for the Fourth Circuit remanded this case to the District Court for a new sentencing hearing. On April 25, 2012, the defendant was sentenced to 90 months. Upon a motion of the defendant pursuant to 18 U.S.C. § 3582(c)(2), the defendant's sentence was reduced to 75 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

Lionel Ray McCall was released from custody on January 15, 2016, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On January 28, 2016, the defendant tested positive for marijuana, which was confirmed through laboratory analysis on February 7, 2016. During a home inspection on February 10, 2016, McCall acknowledged that he smoked marijuana on January 26, and February 9, 2016. He has agreed to participate in outpatient substance abuse treatment as directed. Additionally, due to the defendant being a registered sex offender, he has agreed to participate in sex offender treatment as instructed and consent to warrantless searches. The defendant signed a Waiver of Hearing agreeing to the proposed modifications of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in mental health/sex offender treatment, evaluation testing, clinical polygraphs and other assessment instruments as directed by the probation officer.
3. The defendant shall consent to a search of person, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects at any time, with or without a warrant. The search may be conducted by any law enforcement officer or probation officer with reasonable suspicion concerning a violation of a condition of supervision or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.

Except as herein modified, the judgment shall remain in full force and effect.

Lionel Ray McCall  
Docket No. 5:10-CR-219-3BO  
Petition For Action  
Page 2

Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Dwayne K. Benfield  
Dwayne K. Benfield  
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith  
Dewayne L. Smith  
U.S. Probation Officer  
201 South Evans Street, Rm 214  
Greenville, NC 27858-1137  
Phone: 252-830-2338  
Executed On: February 19, 2016

**ORDER OF THE COURT**

Considered and ordered this 23 day of February, 2016 and ordered filed and  
made a part of the records in the above case.

Terrence W. Boyle  
Terrence W. Boyle  
U.S. District Judge